

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION**

VICTORIA NIRO AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF CARY C. WILSON,

Plaintiff,

vs.

FORTINA FLOGUENS; AND CONNECT  
FREIGHT, INC.,

Defendants.

C/A\_\_\_\_\_

**DEFENDANTS FORTINA FLOGUENS  
AND CONNECT FREIGHT, INC.'S  
NOTICE OF REMOVAL**

Defendants Fortina Floguens (“Floguens”) and Connect Freight, Inc. (“CFI”)(collectively “Defendants”), by and through their undersigned counsel, hereby file and give notice of this Notice of Removal to the United States District Court for the District of South Carolina, Anderson Division, pursuant to, *inter alia*, 28 U.S.C. §§ 1332, 1441, and 1446. Defendants would respectfully show:

1. The Complaint for this action was filed in the Court of Common Pleas for Anderson County, South Carolina, Case No. 2021CP0401677, on August 25, 2021. A copy of the filed Complaint is attached as Exhibit A.

2. Plaintiff achieved service on Defendant CFI on November 19, 2021, via certified mail to CFI’s registered agent. The deadline to remove this matter is December 20, 2021.

3. Defendant Floguens was served with the Complaint via service upon the South Carolina Department of Motor Vehicles on November 2, 2021.

4. Plaintiff alleges that she is a citizen and resident of the State of Massachusetts and represents the estate of decedent Cary C. Wilson, a citizen of the State of South Carolina. (See Ex. A, Compl., at Pg. 1, ¶ 1 and 2).

5. Floguens is a citizen of the State of Delaware.

6. CFI is a corporation organized and existing pursuant to the laws of the State of Illinois with its principal place of business in the State of Illinois. Specifically, CFI's corporate headquarters are located in Markham, Illinois.

7. Complete diversity of citizenship exists among the named parties.

8. This action arises out of a motorcycle wreck involving decedent purportedly caused by the alleged negligence of Defendants. (See id., at Pg. 2, ¶¶ 6 – 8).

9. Plaintiff's Complaint alleges that, as a result of said alleged incident, the decedent suffered catastrophic injuries and died. (See id.)

10. Based on the nature and extent of the injuries constituting the alleged damages at issue in this action, Defendants are informed and believe that Plaintiff's alleged damages are in excess of \$75,000.00.

11. Additionally, the Complaint's prayer for relief does not specify a specific dollar amount of damages sought; however, the prayer does request an award of punitive damages, which must be considered in assessing the amount in controversy. See id.; see also Am. Health and Life Ins. Co. v. Heyward, 272 F.Supp.2d 578 (D.S.C. 2003).

12. Venue is proper in this Division, pursuant to Local Rule 3.01 (DSC) because the alleged incident and a substantial part of the events or omissions giving rise to the claim occurred in this Division.

13. Defendants file herewith copies of all process and pleadings served upon them in this action as part of this notice as Exhibit A.

14. Defendants are filing a copy of this Notice of Removal in this action with the Clerk of Court for Anderson County, South Carolina and serve counsel for Plaintiff.

**WHEREFORE**, Defendants pray this Court accepts this Notice of Removal, that this Court takes jurisdiction of this cause, and that all further proceedings in this cause in the Court of Common Pleas, County of Anderson, State of South Carolina, be stayed.

Respectfully submitted,

COLLINS & LACY, P.C.

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FREIGHT, INC.

**DEFENDANTS FORTINA FLOGUENS  
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December 15, 2021  
Columbia, South Carolina